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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/802,606

03/17/2004

David M. Ziemann

14846-54

8921

28221 7590 03/09/2007  
PATENT DOCKET ADMINISTRATOR  
LOWENSTEIN SANDLER PC  
65 LIVINGSTON AVENUE  
ROSELAND, NJ 07068

EXAMINER

LEWIS, CHERYL RENE A

ART UNIT

PAPER NUMBER

2167

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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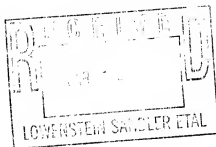
30 DAYS

03/09/2007  
4/9/07

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



# **Notice of Non-Compliant Amendment (37 CFR 1.121)**

Application No.

10/802,606

Examiner

Cheryl Lewis

Applicant(s)

ZIEMANN ET AL.

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 08 December 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
See Continuation Sheet

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

## TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

Continuation of 5 Other: The amendment filed on December 8, 2006 is not legible to read because of dark shading.

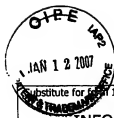
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cheryl Lewis  
Patent Examiner  
February 27, 2007.



PTO/SB/08a (05-03)

Approved for use through 04/30/2003. OMB 0651-0031  
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Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(USE AS MANY SHEETS AS NECESSARY)

Sheet 1 Of 4

## Complete if Known

Application Number	10/802,606
Filing Date	March 17, 2004
First Named Inventor	Ziemann et al.
Art Unit	2167
Examiner Name	Cheryl Renea Lewis
Attorney Docket Number	14846-54

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	Document Number Number-Kind # if known	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
CL		6266683	07/24/2001	Yehuda et al.	
		6557039	04/29/2003	Leong et al.	
		5313616	05/17/1994	Cline et al.	
		5835770	11/10/1998	Shum et al.	
		5872976	02/16/1999	Yee et al.	
		5347518	09/13/1994	Lee	
		5828883	10/27/1998	Hall	
		5701471	12/23/1997	Subramanyam	
		5748878	05/05/1998	Rees et al.	
		5752034	05/12/1998	Srivastava	
		5758061	05/26/1998	Plum	
		5920719	07/06/1999	Sutton et al.	
		6026237	02/15/2000	Berry et al.	
		6029002	02/22/2000	Alifi et al.	
		6058393	05/02/2000	Meier et al.	
		6125390	09/26/2000	Touboul	
		6138112	10/24/2000	Slutz	
		6145121	11/07/2000	Levy et al.	
		6237143	05/22/2001	Fontana et al.	
		6243862	06/05/2001	Lebow	
		6269479	07/31/2001	Puram	
		6301701	10/09/2001	Walker et al.	
		6311327	10/30/2001	O'Brien et al.	
		6467052	10/15/2002	Kaler et al.	
		2002/0049666	04/25/2002	Reuter et al.	
		5787402	07/28/1998	Potter et al.	
		5159687	10/27/1992	Richburg	
		6188400	02/13/2001	House et al.	
		6256635	07/03/2001	Arrouye et al.	
		6311320	10/30/2001	Jibbe	
		6453310	09/17/2002	Zander	
		6681380	01/20/2004	Britton et al.	
		6697835	02/24/2004	Hanson et al.	
		6701514	03/02/2004	Haswell et al.	
		6714219	03/30/2004	Lindhorst et al.	
		2003/0027561	02/06/2003	Iyer	
		2003/0140045	07/24/2003	Heninger et al.	
		6163776	12/19/2000	Periwal	
		6539383	03/25/2003	Charlet et al.	
		6418448	07/09/2002	Sarkar	
		6456995	09/24/2002	Salo et al.	
		5907846	05/25/1999	Berner et al.	
		6081808	06/27/2000	Blackman et al.	
		6279008	08/21/2001	Tung Ng et al.	
		6385618	05/07/2002	Ng et al.	
		6397221	05/28/2002	Greef et al.	
		6405209	06/11/2002	Obendorf	
		6418451	07/09/2002	Maimone	

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		Examiner Name	Cheryl Renea Lewis
Sheet	2	Of	4
(USE AS MANY SHEETS AS NECESSARY)		Attorney Docket Number	14846-54

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Document Number Number-Kind 2 (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant/ Passages or Relevant Figures Appear
CL		6477540	11/05/2002	Singh et al.	
		6490581	12/03/2002	Neshatfar et al.	
		6502104	12/31/2002	Fung et al.	
		6539397	03/25/2003	Doan et al.	
		6539398	03/25/2003	Hannan et al.	
		2002/0091702	07/11/2002	Mullins	
		2005/0027658	02/03/2005	Moore et al.	
		5774553	06/30/1998	Rosen	
		2002/0038320	03/28/2002	Brook	
		2003/0018666	01/23/2003	Chen et al.	
		2003/0069975	04/10/2003	Abjanic et al.	
		2003/0070158	04/10/2003	Lucas et al.	
		2003/0140308	07/24/2003	Murthy et al.	
		2003/0163603	08/28/2003	Fry et al.	
		2003/0167445	09/04/2003	Su et al.	
		2003/0177341	09/18/2003	Devillers	
		6601075	07/29/2003	Huang et al.	
		2003/0145047	07/31/2003	Upton	
		2003/0177118	09/18/2003	Moon, et al.	
		2005/0060345	03/17/2005	Doddington	
		5630173	05/13/1997	Oprecu	
		5784557	07/21/1998	Oprecu	
		6009405	12/28/1999	Leymann et al.	
		6065009	05/16/2000	Leymann et al.	
		6108698	08/22/2000	Tenev et al.	
		6381609	04/30/2002	Breitbart et al.	
		6502095	12/31/2002	Breitbart et al.	
		6539337	03/25/2003	Provan et al.	
		2002/0116205	08/22/2002	Ankireddipally et al.	
		2002/0144101	10/03/2002	Wang et al.	
		2002/0188765	12/12/2002	Fong et al.	
		2003/0217033	11/20/2003	Sandler et al.	
		3872448	03/18/1975	Mitchell Jr.	
		5764972	06/09/1998	Crouse et al.	
		5832523	11/03/1998	Kanai et al.	
		5845293	12/01/1998	Veghtie et al.	
		6226652	05/01/2001	Percival et al.	
		6263121	07/17/2001	Melen et al.	
		6336122	01/01/2002	Lee et al.	
		6535894	03/18/2003	Schmidt et al.	
		6574640	06/03/2003	Stahl	
		6651076	11/18/2003	Asano	
		6678705	01/13/2004	Berchold et al.	
		6691139	02/10/2004	Ganesh et al.	
		6711594	03/23/2004	Yano et al.	
		2002/0007287	01/17/2002	Straube et al.	
		2002/0029228	03/07/2002	Rodriguez, et al.	
		2002/0038226	03/28/2002	Tyus	

Substitute for form 1449A/PTO			<b>Complete if Known</b>		
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Sheet	3	Of	4	Attorney Docket Number	14846-54

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FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Foreign Patent Document Country Code <sup>2</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
CL		95/03586	02/02/1995	Henninger et al.	
CL		96/34350	10/31/1996	Althoff et al.	
CL		02/046980	06/13/2002	Lichtenberg et al.	
Examiner Signature	/Cheryl Lewis/			Date Considered	03/01/2007

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		Application Number	10/802,606
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		Art Unit	2167
		Examiner Name	Cheryl Renea Lewis
(USE AS MANY SHEETS AS NECESSARY)		Attorney Docket Number	14846-54
Sheet	4	Of	4

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. 1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
CL		DENG ET AL.; A PROBABILISTIC APPROACH TO FAULT DIAGNOSIS IN LINEAR LIGHTWAVE NETWORKS, DEPARTMENT OF ELECTRICAL ENGINEERING, 05/1992; PP. 1-22	
		DEUTSCH ET AL., STORING SEMISTRUCTURED DATA WITH STORED, PROCEEDINGS OF THE 1999 ACM SIGMOD INTERNATIONAL CONFERENCE ON MANAGEMENT OF DATA, ACM, 1999, PAGES 431-442	
		DUGGAN; 2.40 GENERAL - REVIEWS AND ABSTRACTS, SPI DATABASE OF SOFTWARE TECHNOLOGIES, PG. 1-5, 02/01/1974	
		HILBERT, ET AL., AN APPROACH TO LARGE SCALE COLLECTION OF APPLICATION USAGE DATA OVER THE INTERNET, SOFTWARE ENGINEERING 1998, PROCEEDINGS OF THE 1998 INTERNATIONAL CONFERENCE, ABSTRACT, 04/1998	
		JAGADISH ET AL., TAX: A TREE ALGEBRA FOR XML, SPRINGER-VERIAG, 202, PAGES 149-164	
		JAGADISH ET AL., TIMBER, A NATIVE XML DATABASE, PUBLISHED ONLINE; DECEMBER 19, 2002, SPRINGER-VERIAG, PAGES 274-291	
		MOSER; TRANSACTIONS IN A DISTRIBUTED OBJECT ENVIRONMENT, DEPARTMENT OF ELECTRICAL AND COMPUTER ENGINEERING, 06/19/2005	
		QUANTITATIVE MONITORING OF SOFTWARE DEVELOPMENT BY TIME-BASED AND INTERCHECKPOINT MONITORING, SOFTWARE ENGINEERING JOURNAL, VOL. 5, ISS. 1, ABSTRACT, JAN-90	
		SAMMET; BEGINNING OF 4.6 SOFTWARE EVALUATION, TESTS AND MEASUREMENTS AND RMF I/O TIME VALIDATION, ASSOCIATION OF COMPUTING MACHINERY, PG. 519	
		STROM ET AL.; GRYPHON: AN INFORMATION FLOW BASED APPROACH TO MESSAGE BROKERING, INTERNATIONAL SYMPOSIUM ON SOFTWARE RELIABILITY, 06/20/2005	
Examiner Signature	/Cheryl Lewis/		Date Considered
			03/01/2007

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